

LYNCHBURG CITY COUNCIL

Agenda Item Summary

MEETING DATE: **January 14, 2003**

AGENDA ITEM NO.: **15**

CONSENT:

REGULAR: **X**

CLOSED SESSION:

(Confidential)

ACTION: **X**

INFORMATION:

ITEM TITLE: **Amendment to the City Code Relating to a Ban on the Use of Fireworks In Certain Circumstances**

RECOMMENDATION: Amend the Code of the City of Lynchburg, 1981, by adding a new section numbered, 19-45, relating to the ban on the use of fireworks.

SUMMARY:

During the Summer of 2002, because of drought conditions, a number of communities banned the use of fireworks. The City Attorney has determined that the City Code does not currently have provisions to allow the use of fireworks to be banned in certain circumstances. The proposed amendment would provide the necessary authority to enact a ban.

The ordinance would authorize the City Manager, or the Deputy City Manager in the absence of the City Manager, when requested by the Fire Marshal, to issue a ban on the use of all fireworks as defined by paragraph (b) of the ordinance. Some circumstances or conditions that would prompt a request for a ban would include but not be limited to: severe drought conditions; severe air pollution conditions; times of civil unrest; extreme fire danger; disruption of water supply; high activity levels or long term commitments of firefighting resources resulting in a long response time or the unavailability of sufficient resources to respond to incidents.

PRIOR ACTION(S): City Council Work Session of November 26, 2002.

FISCAL IMPACT: There is no anticipated fiscal impact.

CONTACT(S): Robert D. DeJarnette, Fire Marshal at (434) 847-1348 ext. 104 or
robert.dejarnette@lynchburgva.gov

ATTACHMENT(S): Ordinance Sec.19-45. Ban of sale, display and use of fireworks

REVIEWED BY: lkp

ORDINANCE

AN ORDINANCE TO AMEND AND REENACT THE CODE OF THE CITY OF LYNCHBURG, 1981, BY ADDING THERETO A NEW SECTION NUMBERED, 19-45, RELATING TO A BAN OF THE USE OF FIREWORKS.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNCHBURG.

1. That the Code of the City of Lynchburg, 1981, be and the same is hereby amended and reenacted by adding thereto Section 19-45 as follows:

Sec. 19-45. Ban on the use of fireworks.

(a) The city manager, or deputy city manager in the absence of the city manager, when requested by the fire marshal, is authorized to issue a ban on use of all fireworks as defined by paragraph (b). A public announcement shall be made in order to issue the ban. The ban shall become effective at the time that shall be stated in the announcement. The ban shall remain in effect until a second public announcement is made rescinding the ban.

(b) The term "fireworks" shall mean any combustible or explosive composition, and any substance or combination of substances and articles prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation. The term "fireworks" shall not include automobile flares or other flares when used for an emergency situation, paper caps containing not more than an average of 0.25 grain (16 mg) of explosive content per cap, and toy pistols, toy canes, toy guns and other devices utilizing such caps.

(c) During the time the ban of fireworks is effective, it shall be unlawful for any person, firm or corporation to use, ignite or explode any fireworks. Any person, firm or corporation who violates any provision of this section shall be deemed guilty of a Class I misdemeanor.

2. That this ordinance shall become effective upon its adoption.

Adopted:

Certified:

Clerk of Council

012L